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Summary record of the joint ad hoc meeting of First and Fourth Committees on the possible challenges to space security and sustainability
Held at Headquarters, New York, on Thursday, 12 October 2017, at 10 a.m.

Co-Chair: Mr. Hussein Bahr Aluloom (Chair, First Committee) ..... (Iraq)
Co-Chair: Mr. Ramirez Carreño, (Chair, Fourth Committee) (Bolivarian Republic of Venezuela)

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The meeting was called to order at 10.10 a.m.

Agenda item 52: International cooperation in the peaceful uses of outer space (A/72/20) (*continued*)

Agenda item 52 (b): Joint panel discussion of the First and Fourth Committees on possible challenges to space security and sustainability

1. **Mr. Aluloom** (Co-Chair), said that the joint panel of the First and Fourth Committees pursuant to General Assembly resolution 71/90 had been convened to mark the fiftieth anniversary of the entry into force of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) contained in General Assembly resolution 2222 (XXI). To promote a structured interactive dialogue among delegations, the following four sub-themes would also be examined: (i) the Outer Space Treaty — 50 years in service for the peaceful uses of outer space and in maintaining international peace and security; (ii) the legal regime of outer space and global governance of outer space activities; (iii) ways and means of maintaining outer space for peaceful purposes; and (iv) efforts to ensure space sustainability for all nations.

Introductory statements

2. **Mr. Markram** (Director and Deputy to the High Representative for Disarmament Affairs), speaking on behalf of the High Representative, said that the Outer Space Treaty codified the foundation of outer space law and established the shared objective of maintaining space as a realm of peace. The Treaty, whose legacies included the non-militarization of celestial bodies and the non-placement of weapons of mass destruction anywhere in outer space, had been central in ensuring that the Cold War arms race did not extend beyond the boundaries of the Earth. However, concerns relating to the weaponization of space remained an urgent priority. The current meeting would take stock of the global governance regime for outer space activities.

3. The accessibility and use of outer space had brought undeniable benefits to human development, well-being and security, with space-based activities touching upon every aspect of modern life. However, outer space was a fragile environment. As part of the United Nations objectives in the field of disarmament, the preservation of outer space for peaceful purposes remained an urgent imperative, even as growing military dependence on outer space was exposing the inherent vulnerability of space-based assets. Yet, some aspects of the legal regime remained largely underdeveloped, notably the question of how to apply the right to self-defence without severe and long-lasting consequences.

4. The technological capabilities for an active arms race in outer space had existed for decades. Given the persistence of complex conflicts across the globe and the exponential rate of scientific and technological development, new military capabilities could finally lead to an uncontrolled expansion of armed conflict into outer space, with unimaginable consequences.

5. Nevertheless, areas of possible progress could be perceived. Coordination mechanisms had been established within the United Nations system to assist in implementing the measures proposed by the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities. A joint proposal by China, the Russian Federation and the United States would be discussed in the forthcoming cycle of the Disarmament Commission.

6. In 2016, the Committee on the Peaceful Uses of Outer Space (COPUOS) had agreed an initial set of guidelines on the long-term sustainability of outer space. The proposal by China and the Russian Federation to establish a new expert group to elaborate legally-binding measures to prevent an arms race in outer space, if approved, could help narrow differences on the further codification of the outer-space legal regime, pending an end of the stalemate at the Conference on Disarmament. He hoped that the joint meeting would serve as a platform for the progressive development of outer space governance for the benefit of all.

7. **Ms. Di Pippo** (Director of the United Nations Office for Outer Space Affairs) said that the Outer Space Treaty was of paramount importance in maintaining international peace and security and promoting international cooperation and understanding. The Treaty served as the legal instrument for global governance of outer space activities and set forth the fundamental principles for upholding legal order in those activities. As a fundamental ingredient in Transforming Our World: the 2030 Agenda for Sustainable Development, transparency and confidence-building measures (TCBMs) in outer space activities could reduce mishaps, misinterpretations and miscalculations; foster cooperation; create more predictability; and gather consensus on matters crucial to maintaining outer space for peaceful purposes, at least as a first step in the progressive development of international space law. The report of the Group of Governmental Experts on

Transparency and Confidence-building Measures in Outer Space Activities (document A/68/189), along with other documentation prepared by the Secretary-General (A/72/65 and A/72/65 Add.1) and contributions from Member States, provided a comprehensive basis for moving ahead.

8. Outer space was a fragile environment in which steps taken by one actor could have an impact on others, including users of space services on Earth. The broader application of space operations and the increased strategic value of space heightened the need to enhance the safety of space operations and the security of space assets and space systems, including critical infrastructures, which was also crucial for cyber security and in preserving the space environment and the long-term sustainability of outer space activities.

9. In addressing the risks posed by such natural hazards as near-Earth objects and space weather, the Office worked with States, international organizations and other entities to strengthen resiliency and the ability of space systems to respond to their impact. Under the 1975 Convention on Registration of Objects Launched into Outer Space, the Office had been mandated to maintain the central Register of such objects for four decades. The Register functioned as the core mechanism for treaty-based transparency and confidence-building. Several States increasingly followed the recommendations of General Assembly resolution 62/101 in providing additional and voluntary data on status changes, de-orbiting and re-entry events of space objects in orbit for the United Nations Register, along with similar information deemed important for the registration regime and as appropriate to enhance the safety of space operations.

10. In addition to discharging the responsibilities of the Secretary-General under the United Nations treaties and principles on outer space, the Office was mandated to assist in global efforts to enhance international governance in the long-term sustainability of outer space activities. It stood ready to work with Member States to build appropriate and robust information exchange and notification procedures.

11. COPUOS was finalizing the preparations for the fiftieth anniversary in 2018 of the United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE+50). Mechanisms for space cooperation and coordination at the international, regional, interregional and national levels were being considered with a view to enhanced and stronger space economy, space society, space accessibility and space diplomacy for the twenty-first century. UNISPACE+50 was an opportunity to renew and strengthen the unique common platform for cooperation between major spacefaring nations and emerging space nations by strengthening the important dialogue among governmental and non-governmental actors, industry, the private sector and civil society.

12. The Outer Space Treaty was central to the comprehensive global space diplomacy effort. Maintaining outer space for peaceful purposes must be the key objective of the international community in securing peace, prosperity and sustainable development for all humanity.

13. *Mr. Ramirez Carreño (Vice-Chair) took the Chair.*

14. **Ms. Weeden** (Satellite Industry Association), accompanying her statement with a digital slide presentation, said that the commercial satellite industry was committed to supporting space sustainability while pursuing its growth objectives. The Satellite Industry Association interacted with the United States Government as well as with international bodies such as COPUOS, offering the satellite industry's inputs in pursuit of the long-term sustainability of space. Members of the Association were involved in operations services, manufacturing, launch and ground infrastructure. Their engagement with the United States delegation to COPUOS had been beneficial to the satellite industry, enhancing its understanding of COPUOS activities and processes and leading to a more productive engagement.

15. Technical innovations in the commercial satellite industry over the past 50 years included smaller satellites, higher-resolution and lower-cost cameras, higher and more-precise data throughput, smaller and more-agile antennas, and improved terminal portability and compatibility. Since the launch of the first commercial satellite by the International Telecommunications Satellite Organization (INTELSAT), satellite technology had permeated the global economy and way of life. Currently, 41 per cent of the over 1,400 commercial satellites in orbit were commercially-owned and offered an array of services, including broadband in rural and urban areas and over-the-sea or in-air connectivity. Global communication via private space enterprise was common. Television broadcast signals came directly or indirectly from space, and multiple methods and sensors existed for measuring and observing the Earth using commercial satellite technology.

16. The end benefits were significant. Measured against the United Nations Sustainable Development Goals, satellites, including those commercially owned, enabled advances in health, public safety and education

and empowered nations to monitor and their natural resources. The commercial space industry was a pathway to vibrant, technology-based economic growth, inspiring current and future scientists and engineers.

17. The Satellite Industry Association supported responsibly-managed and effective space operations for all entities involved in space activities, helping to ensure that all satellite users could rely on satellite technologies to meet their needs and protect the significant investment made in the global satellite infrastructure. System redundancies and cyber-security measures in commercial satellite operations mitigated the potential for unresponsive, unmanoeuvrable satellites in highly-valued orbits.

18. Situational awareness was an essential component of conducting safe and effective space operations. Industry-Government interaction, through dialogue, partnerships, international forums with such agencies as the International Telecommunication Union, and advocacy, was an important for the long-term sustainability of space, particularly when considering voluntary guidelines or national regulatory and licensing requirements affecting the satellite industry. The United States satellite industry, for example, advocated directly to the United States Government for effective licensing and spectrum allocation.

19. Regarding space sustainability, the commercial satellite industry had over 50 years of expertise in mitigating debris-causing events. Increasing space accessibility resulted in more satellite applications and downstream benefits, but also created an environment where debris events could and did occur, jeopardizing the investments and progress made in the space industry to date. The risk of space congestion called for more best practices and guidelines, more interaction and increased data sharing. Dialogue, partnerships, international input and advocacy were all avenues for industry-Government collaboration in pursuit of the common goal: the long-term sustainability of space. Her Association looked forward to contributing to that important work.

20. **Ms. Grego** (Union of Concerned Scientists) said that as satellites were critical for national security, economic vitality and well-being, their safety was increasingly a cause for concern. The destruction of a satellite could create dangerous amounts of space debris. Moreover, the loss of an important satellite could quickly cause a conflict to escalate or generate other unpredictable and dangerous consequences. The use of space-based weapons could precipitate an arms race. The well-being of all of humanity was at stake.

21. The existing equilibrium among civil, military and commercial satellite applications might change radically in the future. To ensure that a balance of perspectives was brought to the governance of space, all interests must be at the table.

22. The space environment had changed significantly over the decades. The United States and the Soviet Union had developed prototype anti-satellite weapons and had conducted atmospheric nuclear tests which demonstrated that nuclear explosions in space had the potential to destroy large numbers of satellites. However, both States realized that unconstrained weaponization of space would lead to an arms race. The international community negotiated the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (Partial Test Ban Treaty) in 1963 and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) in 1967, which set out the foundational principles by which space should be used. The Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (Anti-Ballistic Missile Treaty) was signed in 1972.

23. With the development of precision-guided munitions, intelligence surveillance and reconnaissance, and global communications, space had become home to tactical national-security missions as well as strategic ones. Plans to dominate space included proposed ground-based weapons targeting satellites and space-based weapons targeting space and ground objects, putting significant pressure on the foundational principle of the peaceful use of space and on its function as a global commons. Technical and economic realities put a damper on such plans, and balancing national-security issues in space with peaceful ones was difficult. Space was not insulated from conflict on Earth and could unpredictably escalate or trigger crises on the ground. In the absence of a substantive set of constraints on space-based or anti-satellite weapons, the international community must keep engaging and approaching the issue from new angles.

24. The concept of a military "high ground" which might provide strategic advantages as on Earth did not apply to space. Earth-observing satellites generally moved in low earth orbits; many satellites could fit into one of those orbits and many orbital variations existed. The high ground was widely available and there was

room for everyone to co-exist. Earth-observing satellites designed to provide intelligence and imaging services could be used to confirm that actors were abiding by their commitments to environmental stewardship.

25. By the same token, no opportunity for concealment existed in space. Satellite orbits were readily calculated and future positions were predictable. The use of space as a military high ground was very unlikely given the enormous amounts of energy needed to get objects into orbit. Similarly, putting weapons in orbit for targeting the ground would be incredibly costly and offer no advantage. Thus, while space-based earth-targeting weapons were potentially very destabilizing, they were not very useful but were an area in which States should engage in negotiating constraints.

26. The issue of anti-satellite weapons should be addressed by creating and reinforcing norms and by acknowledging and reinforcing the guidance provided by existing international law. The attention of the arms-control and disarmament community was critically needed. A civil-society project, the Manual on International Law Applicable to Military Uses of Outer Space (MILAMOS) was aimed at clarifying the fundamental rules for State as well as non-State actors in times of peace as well as in time of tension or outright armed conflict. The applicability to outer space of the elaborate body of law regulating the initiation and conduct of armed conflict in the terrestrial context had never been comprehensively and objectively addressed or authoritatively stated. Nevertheless, in any conflict that might arise, space actors must acknowledge that outer space was not a lawless frontier.

27. The golden anniversary of the Outer Space Treaty would be an excellent opportunity for a meeting or review conference to examine the balancing of freedom to use space for peaceful purposes, due regard for other actors, and the use of space for the benefit of all humankind. The sense that space was fundamentally for peaceful purposes must be reaffirmed by practice and rhetoric, and the basic principles of the Treaty must be further elaborated to govern new challenges.

28. **Ms. Genta** (Airbus Co.) said that the industry envisaged a new technology and business model to broaden access to space and in cooperation with institutional players and the United Nations Office for Outer Space Affairs. In 2016, Airbus had adopted the United Nations Sustainable Development Goals as a corporate social-responsibility framework initiative, in particular with respect to Goal 16 relating to peace, justice and strong institutions. Key performance indicators were being measured to assess the company's contribution to the Goals. The Broadband Commission Working Group on Technologies in Space and the Upper-Atmosphere had recently concluded that space-based technology would play an essential role in achieving the Goals; space activities were a main area of Airbus operations.

29. Airbus looked forward to the fiftieth anniversary of the Outer Space Treaty, and wished to contribute to the four pillars of the "Space2030 agenda" identified in the 2016 Dubai Declaration of the United Nations/United Arab Emirates High-level Forum on space as a driver for socioeconomic sustainable development. With its automation in spacecraft manufacturing and emerging new business model, the aerospace industry was at the core of the Fourth Industrial Revolution. The Dubai Declaration called for the United Nations Office for Outer Space Affairs to strengthen cooperation with industry, including the private sector. European Space Agency-level initiatives included the Clean Space Initiative, designed to ensure the competitiveness of European industry in implementing debris mitigation measures.

30. Dealing with space debris was a key issue in ensuring long-term sustainable access to space. To date, only non-coercive regulations were in place. Governments could consider enforcing those regulations through national space law and national licensing systems for space operators. Airbus was also involved in the development of technical rules attached to national space law and licensing conditions covering such areas as the design of satellite constellations and spacecraft and operations in orbit.

31. Space law required licensing operators to obtain liability insurance for compensating third parties injured by space objects under their control. Normally such insurance covered injuries on Earth; any damage occurring in space was covered by an unlimited-liability policy borne by private-sector satellite operators. Airbus advocated maintaining such third-party liability insurance schemes, as well as establishing binding norms, keeping a registry of objects, and protecting investments in general, through best practices and solutions leading to technological developments and enhanced international standards. Lastly, it was vital to sustain long-term access to the radio frequency spectrum for space-based activity.

32. **Ms. West** (Project Ploughshares) said that the United Nations should reconcile the sometimes contradictory efforts to address outer space security and maintain the coherence of the governance

framework. Adequate security in outer space required operational safety, a secure and accessible space system, and environmental sustainability. However, obdurate national-security concerns and the risk of warfare in outer space weakened the equation, with rising geopolitical tensions, demonstrations of potential weapons and failure to agree on new restraints on the use of force heightening that risk. While national policies as well as private-sector, civil-society and academic initiatives contributed significantly to governance, such fragmented effort could undermine the universality of the Outer Space Treaty. The ongoing consensus-based work of COPUOS in developing voluntary guidelines for best practices gave rise to optimism, however.

33. Efforts to address geopolitical tensions relating to the potential for an arms race or warfare in outer space seemed fruitless. The Conference on Disarmament had remained deadlocked for years, efforts for a treaty banning the use of weapons in outer space had been divisive, and attempts to develop a voluntary code of conduct had disintegrated. Nevertheless, clear points of consensus existed and should form the basis for renewed efforts. For example, resolutions on the peaceful uses of outer space and on TCBMs were unanimously adopted every year at the General Assembly; the joint working paper on practical measures for implementing the recommendations of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities, produced by the United States, Russia and China, had been welcomed by the international community and civil society alike; the need to develop trust and transparency was unanimously recognized, and a way to institutionalize progress would be positive; and the Disarmament Commission had the advantage of being a universal body and could have a role to play. Moreover, since satellites were visible and information on a host of military activities was openly available, the excessive secrecy surrounding military programmes was absurd, reducing it would be an important step towards trust and transparency.

34. The majority of States clearly preferred arms control, and past efforts to limit the use of arms in outer space had bolstered strategic stability. Thus building trust in the relationships that restraint depended on was necessary, as was greater overall coordination of efforts within the United Nations to keep the components of space security, safety and sustainability together while encouraging strategic restraint at the national level.

General debate

35. **Mr. Sun** Lei (China) said that global governance of outer space should focus on adherence to current legal regimes and principles, such as the Outer Space Treaty, which expressly prohibited the placement of weapons of mass destruction and spelled out the means of maintaining the peaceful use of outer space.

36. The universality of the Treaty and the current international legal regime must be strengthened, and existing gaps and loopholes in the Treaty, such as its silence on weapons other than nuclear weapons and weapons of mass destruction, must be closed. The fact that certain space-based weapon systems were ready for emplacement and could be launched when a war broke out underlined a growing trend towards the weaponization of outer space.

37. China and Russia had jointly submitted to the Conference on Disarmament in Geneva a draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects (PPWT). The General Assembly should adopt a resolution in 2017 on that crucial issue, and a group of governmental experts should be established to hold two-week sessions in New York and Geneva in 2018 and 2019, focused on preventing the weaponization of outer space and setting out an international legal regime and instruments, and submitting a report following further discussions. The proposed resolution would enhance consensus on the issue and create the conditions for further negotiations. Once the Conference on Disarmament had adopted its programme of work and started negotiations on the prevention of the arms race in outer space, it would take over from the group of governmental experts, which would cease to exist. He urged all countries to support the draft resolution.

38. TCBMs could prevent misjudgments and contribute to peace and security in outer space by acting as verification instruments for activities in that domain. Their unavoidable limitations should not detract from the negotiation of a legal instrument for arms control in outer space.

39. The sustainability of outer space activities was vital. COPUOS should further strengthen its role in enhancing security in outer space. Chinese President Xi Jinping had proposed building a community that embodied the ideal of a shared future for mankind, and achieving global development in a win-win situation for all. The shared destiny of the human community was nowhere more evident than in the case of outer space. All countries, whatever their size or level of development, should participate in, contribute to and

benefit from the peaceful uses of outer space. The major spacefaring nations should assume responsibility for helping those nations with limited or no space capabilities to enjoy the benefits of peaceful space exploration. The First and Fourth Committees had made tremendous efforts and their achievements in that area were significant. China would always support the work of the United Nations in that field and make further contributions to the long-term peace and stability of outer space.

40. **Ms. Guitton** (France) said that the contrast between the current situation in outer space and that prevailing fifty years earlier was striking. With the vast increase in its users and beneficiaries, outer space was no longer reserved for military or scientific purposes, nor could it be dismissed as simply the setting for technological or exploratory competition. Space was much more open and more strategic for everyone, since everyone's daily activities depended on it.

41. But despite the changed context, the issues at stake continued to be guaranteeing the peaceful use of and access to space. Lighter satellites and lower launch costs had indeed made that access more democratic, but the resulting increasingly-congested environment and diversity of actors raised new concerns regarding its sustainability, as well as with collisions and the proliferation of debris. Space traffic management called for a pragmatic approach and for conduct standards that were easy for all to understand and apply.

42. The COPUOS Working Group on the Long-term Sustainability of Outer Space Activities had effectively pursued that goal for a decade and should complete its work by the forthcoming session of the Scientific and Technical Subcommittee in February 2018. Its admittedly non-legally binding TCBMs set a standard and a common lexicon. France viewed them as a pragmatic instrument to be used to address the challenges of safety and sustainability.

43. While space was clearly no longer the arena of rivalry between the two major Powers, it remained a strategic frontier and was thus vulnerable to competition among powerful States. With the rapid development and diffusion of space technologies applicable to defence, the fifty-year-old goal of preventing an arms race in space had lost none of its relevance. The deadlock in the Conference on Disarmament created a need for a deeper consideration of the subject, so that States could reiterate their commitments as appropriate.

44. The international community needed to be more responsive, by analysing the most recent technological developments and their implications for the sustainability and security of outer space activities, and to be more inclusive of the role of non-State actors. The two sectors needed to interact more often and find appropriate forums for discussing relevant issues. Cooperation and regulation must be encouraged to increase the benefits to be derived from outer space as a public good. Meetings such as the current one, enabling Government representatives and private actors to hold discussions with the General Assembly Committees responsible for the peaceful uses and disarmament of outer space, were essential and should be a regular feature.

45. **Mr. Al-Dobhany** (Yemen), speaking on behalf of the Arab Group, said that the meeting was a real opportunity for greater coordination among United Nations institutions and agencies. Security and civilian activities in outer space were not always distinguishable. Outer space was increasingly important economically and scientifically for many countries, and an atmosphere of trust and security must prevail regarding activities conducted there.

46. The peaceful exploration and utilization of outer space stipulated in international treaties and agreements must be preserved. The militarization of outer space, which those treaties sought to eliminate, could lead to a new arms race and gravely threaten international peace and security. To ensure the safety of outer space, all activities conducted there must conform to the United Nations regime and be consistent with the Charter. Organizational and regulatory activities must respect the interests of all peoples and countries, bearing in mind that all States were entitled to the benefits of the peaceful uses of outer space.

47. A legally-binding international regime must be developed to prohibit the placement of any weapon in outer space. All countries, including emerging ones, must be involved so that their special needs could be met. The Dubai Declaration sought to ensure the long term use of outer space for purely peaceful purposes. Many more meetings like the current one should be held to preserve the safety and sustainability of outer space activities and foster cooperation among all.

48. **Mr. Lenoir** (Observer for the European Union), speaking on behalf of the States Members of the United Nations that were members of the European Union, with candidate countries Albania, Montenegro, Turkey and the Former Yugoslav Republic of Macedonia, as well as the countries of the stabilization association process and the potential candidate Bosnia and Herzegovina and, in addition, Georgia, the

Republic of Moldova and Ukraine, which aligned themselves with the statement, said that space activities and technologies would help countries to realize the goals and targets of the 2030 Agenda. Space applications were drivers for economic growth and innovation, contributing to industrial competitiveness and job creation, and thus to poverty reduction. They could be instrumental in tackling climate change, disaster management, health care, universal education and in protecting environmental resources and biodiversity, and were also important for the prevention and management of conflict and crime, and for the protection of human rights.

49. The States Members of the United Nations had developed significant capabilities in spatial navigation, observation and research, upon which societies increasingly depended. That growing reliance on space created a shared need for a safe, sustainable and secure space environment. The international community should join to tackle the significant risks and challenges entailed, including dangerous space debris and destructive collisions, the need to share the geostationary orbit and the radio-frequency spectrum, and the threat of deliberate disruption or destruction of satellites. Those risks underlined the importance of developing and implementing TCBMs for strengthening security and ensuring sustainability in the peaceful uses of outer space.

50. The European Union supported discussion of non-legally-binding instruments to foster cooperation and establish standards of responsible behaviour across the full range of space activities, strengthening commitment to non-interference in the peaceful exploration and use of outer space, facilitating equitable access to outer space and increasing transparency of outer space activities. Further work was needed on preventing an arms race in outer space and on a shared understanding of global space governance as a means of preventing conflict and promoting international cooperation.

51. Lastly, the European Union strongly supported the very important negotiation of a first set of guidelines by the COPUOS Working Group on the Long term Sustainability of Outer Space Activities in 2016, and looked forward to working with the Chair and all partners to complete negotiations in time for the conclusion of the Working Group in June 2018.

52. **Ms. McCarney** (Canada) said that all space actors should adhere to and conduct their activities within the current international space legal framework and its four core treaties, including the Outer Space Treaty. Universal adherence to the treaties and their principles was an important baseline for the international community as it developed new norms of behaviours to govern emerging space activities.

53. As current COPUOS Chair, Canada encouraged all COPUOS member States that had not yet done so to accede to the Treaty in order to solidify the international legal regime currently governing outer space. The fifty-year-old Outer Space Treaty remained a solid basis for the international community's continued efforts to respond to new innovations and technologies. Voluntary measures solidified international norms and behaviour and created a climate of confidence that was crucial for the development of future legally-binding measures.

54. In order to build safe and sustainable uses of outer space, States could undertake targeted multilateral and regional discussions of their most pressing issues. All countries should benefit from such uses, not just the existing spacefaring nations but the emerging ones and those of the future as well. Open discussions on emerging trends should be encouraged. Regional or interregional organizations could be encouraged to foster research and analysis. The annual Space Security Index for 2017 would further reflect the growing interdependence, mutual vulnerability and synergies of outer space. New accessions to the Treaty would ensure the continued relevance of that instrument and its underlying principles.

55. The lack of consensus on the draft International Code of Conduct for Outer Space Activities should not prevent Members from advancing ideas within the Code. Practical steps for promoting clear rules for the use of outer space should be discussed. Spacefaring nations must increase cooperation and develop TCBMs implementing the recommendations of the Group of Governmental Experts on Transparency and Confidence building Measures in Outer Space Activities. Canada had reported on its activities in that regard in March 2017, and encouraged others to implement the measures as quickly as possible.

56. Long-term sustainability guidelines being developed on a broad range of practical issues would be useful in defining responsible behaviour in the peaceful uses of outer space. As COPUOS Chair, Canada encouraged all States to work with that body and hoped for completion of its work by June 2018, with the final voluntary guidelines to be submitted to the General Assembly later that year. Meanwhile, meetings such as the current joint meeting of the First and Fourth Committees were welcome as transparency initiatives and confidence-building measures in their own right.

57. **Mr. Mendez Graterol** (Bolivarian Republic of Venezuela) said that as the current joint meeting and panel coincided with the sixtieth anniversary of the launch of the Sputnik satellite and the fiftieth anniversary of the signing of the Outer Space Treaty, they were particularly important for Venezuela. While major advances had occurred in space, its growing militarization threatened to jeopardize international peace and security. The international community must negotiate measures and agreements to prevent an arms race in outer space. Of great concern to his country were space activities contravening the principles and purposes of the Charter, such as deploying spy satellites and intercepting communications in violation of national sovereignty. His delegation valued the proposal by China and the Russian Federation for a treaty barring new arms race in outer space.

58. Cooperation with major spacefaring countries was vital. In a bid to promote cooperation and to preserve its national economic independence and sustainability, Venezuela had placed three satellites in orbit in cooperation with the People's Republic of China. His delegation reaffirmed its willingness to collaborate on peaceful uses of outer space and cooperation for the benefit of humanity, in compliance with the principles and purposes of the Charter.

59. **Mr. Hansen** (Australia) said that in the light of the recently-announced intention of the Government of Australia to establish a national space agency, the current joint session was of special interest to his delegation, particularly the ideas expressed regarding the legal regime for outer space.

60. The Outer Space Treaty prohibited the placement of weapons of mass destruction in outer space, but to date there was no ban on conventional weapons in outer space, or on ground-based anti-satellite weapons. While Australia was open to negotiating legally binding treaties in the future, the international community should, as an immediate priority, pursue non-binding, verifiable TCBMs. The United Nations Disarmament Commission should discuss those issues, starting at its next session. In that regard, Australia supported the proposal by the Russian Federation, China and the United States for such discussions in the Commission. If the Commission decided to recommend a legally-binding instrument, the Conference on Disarmament could then take up the matter. Many private-sector actors, as well as an increasing number of Member States, were expressing interest in outer space. The private-sector actors needed to be engaged fully in the development of space policy, especially on the very critical issue of space debris. He would welcome further thoughts from the panel on how best to involve the private sector in space policy development.

61. *Mr. Aluloom (Vice-Chair) took the Chair.*

62. **Mr. Tene** (Indonesia), speaking on behalf of the Non-Aligned Movement, said that the Movement shared the desire of the international community to strengthen the safety, security and long-term sustainability of outer space activities and to ensure that outer space was used for peaceful purposes and for the benefit of all States, irrespective of the degree of their social, economic or scientific development. Recognizing the common interest of all mankind and the inalienable, legitimate sovereign rights of all States in the exploration and use of outer space for exclusively peaceful purposes, the Non-Aligned Movement emphasized the paramount importance of strict compliance with existing arms-limitation and disarmament agreements regarding outer space, and with the existing legal regime concerning the use of outer space.

63. The Non-Aligned Movement remained concerned over developments relating to anti-ballistic missile systems and the threat of weaponization and militarization of outer space, and reiterated its call for negotiations in the Disarmament Commission, as a matter of priority, on a universal legally-binding instrument to prevent an arms race in outer space.

64. The Non-Aligned Movement reaffirmed the need for the United Nations to agree on a universal, comprehensive and non-discriminatory multilateral approach to the issue of missiles. Any initiative on the subject should take into account the security concerns of all States and their inherent right to peaceful uses of space technologies.

65. **Mr. Amil** (Pakistan) said that his country shared the concern regarding the threat to the security and sustainability of outer space. It was imperative to prevent outer space from becoming a new realm of conflict and preserve it for peaceful endeavours only. Pakistan was committed to the Outer Space Treaty, which recognized that the exploration and the use of outer space should be for the benefit and in the interests of all countries and should be the province of all humanity. Existing international legal regimes could not adequately address the risks of weaponization of outer space. The gaps in those regimes should be filled by concluding a treaty preventing an arms race in outer space at the Conference on Disarmament. TCBMs and other voluntary, non-legally-binding initiatives such as codes of conduct, while valuable, could not substitute for legally-binding, treaty-based obligations.

66. Pakistan, a member of COPUOS, had a modest but growing space programme and was a party to the five core multilateral treaties on outer space. It also adhered to the five sets of principles on the exploration and use of outer space. The goal of long-term sustainability of outer space activities being addressed by COPUOS could be best achieved through a comprehensive, legally-binding global governance regime. COPUOS also had an important role to play in the capacity-building of developing countries, which required ensuring access to space-derived data and information, and to participation in related activities, for all nations.

67. **Mr. Rivero Rosario** (Cuba) said that the initial scientific, technical and other achievements in space exploration had soon been tainted by the threat of an unbridled arms race there, an enormous threat for the future of humanity. Preventing outer space from becoming an arena for an arms race was the greatest challenge to security, and one that must be overcome. The international community should direct its efforts towards the use of space technologies for the prevention and mitigation of natural disasters, environmental protection and human health.

68. The Outer Space Treaty was the standard for preventing arms in outer space. Current international legislation was insufficient or lacking in many respects, particularly in preventing the militarization of outer space. Adopting international legal norms that would prohibit the placement of weapons in space, especially nuclear weapons, was the only way to halt that threat. Cuba reiterated its appeal to all States to negotiate and adopt a treaty to prevent and prohibit weapons in outer space, and to support the initiative proposed by China and the Russian Federation. The objects orbiting the earth ranged from research, communications and spy satellites to space junk and other debris. The long-term sustainability of space activities must be pursued. The peaceful exploration and use of space were the right of all States, including developing countries, whose socioeconomic development depended on access to the benefits of science and technology. Greater equality in that access would enable developing countries to contribute to the fulfilment of the 2030 Agenda for Sustainable Development.

69. **Mr. Gudnov** (Russian Federation) said that, to date, there was no common understanding of the problem of ensuring the security of space activities. That lack of a unified view stemmed from different factors and circumstances of a mainly political nature. The Russian Federation and the United States had made an important contribution to the drafting and adoption of the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities, acknowledging the importance of the report's recommendations and pledging to implement them. Regarding the negotiations within COPUOS on guidelines for the long-term sustainability of outer space activities, the Russian Federation had proposed several regulatory functions to implement the recommendations on outer space security. However, the United States seemed to prefer a different approach, stating that appropriate measures should be taken only at the national level, and thus did not support the Russian idea of making the recommendations normative internationally. Many issues needed to be regulated on the basis of reciprocal responsibilities; if the issue of security were not resolved, the lengthy negotiations in COPUOS could not be viewed as successful, and the international community would have lost a unique opportunity for establishing the prerequisites for a stable and secure environment in outer space. A normative regime on the security of space operations would determine the future development and regulation of space activities.

70. He would welcome clarification on Ms. Genta's statement that treaties did not necessarily need to be amended and that national legislation and licensing were key. In some cases, changes in national legislation by States only created misunderstandings and could lead to further tension in international relations in respect of space activities such as research and use of space resources. Even more important, strengthening security on the basis of the 1967 treaty would be unthinkable unless the question of refraining from placing weapons of any kind whatsoever in outer space had been settled.

71. The 2014 version of the Russia-China draft treaty on preventing the placement of weapons in outer space and the threat or use of force in space was extremely useful and functional. Some States, however, were not only obstructing the draft treaty for political reasons but also failing to make any proposals themselves. Unless and until important space Powers made an effort to develop some new space security regime, then, the catchy slogan "Global Space Management" in the context of preparations for UNISPACE+50 should be dispensed with, because under the current circumstances, it would be used in the interests of space geopolitics. Unilateral decisions had also been taken on the status of space mineral resources, creating unprecedented ambiguity concerning respect for the fundamental rules of international space law. The situation was unique in that a particular State had allocated rights to resources which it did not possess.

Few States had reacted to that arbitrary innovation, while many people in academia merely voiced conciliatory views.

72. The 1967 Treaty on Outer Space ensured institutional stability in space activities and should be strictly observed. So-called flexible interpretations of legal principles and norms which were applied just for national interest and greed could not be relied on. The gaps in space regulations should be filled and issues clarified through dialogue.

73. **Mr. Abbani** (Algeria) said that, like other nations, Algeria used its space programme to meet its development needs, in particular, to build industrial capacity and harness know-how for all sectors.

74. Algeria followed keenly the discussions on the sustainability of outer space activities in international forums, particularly at the level of COPUOS. The regularization of all activities in outer space should take place under the umbrella of the United Nations, bearing in mind the interests of all nations and their inherent right to use outer space for peaceful purposes. Outer space should remain a global peaceful sphere, free from conflict. Sustainability and security initiatives must guard against the use of outer space as an arena for an arms race. Commending China and the Russian Federation for their initiative against the placement of weapons in outer space, his delegation advocated enabling developing countries to benefit from space activities and applications in order to meet their needs and promote capacity-building at the national level.

75. **Mr. González Aninat** (Chile) said that the question of legal liability regarding the more than 400 satellites orbiting the Earth was very risky, since such objects could drift off course; the branch of international law applicable to such disruptions would then be aeronautic law.

76. Countries without satellites were highly exposed, as they did not have access to all the information collected by the satellites observing them. As such observation could lead to crimes of espionage, any norms relating to such satellites must be handled from a modern perspective with empirical scientific support. However, the convention on espionage dated back to the early twentieth century and its definition of the concept was obsolete. Whether observation by satellites that had been put into orbit without prior registration, thus without complying with the general rules of international law, could be described as espionage would be a matter for further research.

77. Article IV of the Outer Space Treaty prohibited nuclear weapons but did not mention conventional weapons, a blatant omission that must be resolved. Nor, for that matter, had the term "breaches of the peace" contained in Article 1 of the Charter ever been defined. In the light of such issues, the Disarmament Commission and COPUOS should collaborate more closely, and a joint meeting of the Conference on Disarmament and COPUOS could also be held at least once a year.

78. **Ms. Archinard** (Switzerland) called for reinforcing the international norms and the global governance of space, in order to address new challenges arising from a fast-evolving space sector; enhancing multilateral information exchange on space objects and events, to reinforce the safety and sustainability of space operations; and completing negotiation of the voluntary guidelines for enhancing that sustainability in 2018. The valuable work of COPUOS in a wide range of activities contributed decisively to peace and security in outer space. By proposing a chair for the new working group on that topic, Switzerland demonstrated its commitment to the future work of COPUOS in that area.

79. Even if outer space was used for military purposes, it must not become an area for military confrontation. Both legally- and non-legally-binding international instruments could keep outer space stable and free from conflict in the long term. Non-legally-binding measures could be a step towards the eventual development of legally-binding ones.

80. Developing principles of responsible behaviour in outer space would be of great value. Switzerland would readily support the development of a legally-binding instrument preventing an arms race in outer space. Such an instrument could be broad: preventing weapons in outer space was one important aspect, but the challenges entailed must also be discussed.

81. **Mr. Mazzeo** (Argentina) said that not only did article 4 of the Outer Space Treaty fail to prohibit the placement of conventional weapons in outer space but also the use of instruments or practices that could function as weapons, such as interference with signals to or from ground stations or between satellites, or anti-satellites and computer viruses.

82. Argentina attentively followed the Disarmament Commission discussions on TCBMs in space activities. The prevention of an arms race and a ban on the placement of arms in outer space would avoid a grave danger for international peace and security. Existing agreements must be respected and clear terminology established for those purposes. The Working Group on

the Long-term Sustainability of Outer Space Activities had made significant progress in its study of the relevant issues. However, under no circumstances should that study become an instrument whereby countries with experience in space technology could pose restrictions for others aspiring to exercise their legitimate rights in that area. New, private actors were becoming increasingly involved in technological progress, raising new issues not yet considered by COPUOS and which called for a creative, broad-based approach and linkages among the different forums dealing with outer space issues, of which the current panel was an excellent example.

83. **Mr. Hodgkins** (United States) said that the COPUOS report reflected substantial progress on confidence-building measures. His delegation had joined with that of the Russian Federation in introducing a resolution on examination of TCBMs. Other relevant proposals were all designed to add greater transparency to space activities, and all Member States were encouraged to embrace them as well. He looked forward to further discussions on increasing transparency in space activities and to increasing the number of Member States adhering to the Outer Space Treaty, as well as to other instruments such as the Convention on Registration of Objects Launched into Outer Space and the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.

84. Completion of the guidelines on the long-term sustainability of outer space activities, scheduled for 2018, would be a monumental achievement by the United Nations and COPUOS in promoting international cooperation on transparency and confidence-building, and he urged all Member States to work diligently to that end.

85. **Mr. Gill** (India), underscoring the need for the international community to work cooperatively to enhance space security, said that a variety of threats existed. The numerous forums addressing the issue must develop norms on outer space activity and strengthen the existing international regime. Action in the First Committee provided an important opportunity for Member States to join in preventing a wasteful arms race in outer space. His delegation welcomed the possibility of a prevention instrument associated with the Conference on Disarmament, where outer space was a core agenda item.

The meeting rose at 1 p.m.